



DEPARTMENT OF THE NAVY
NAVAL TRAINING CENTER
GREAT LAKES, ILLINOIS 60088-5000

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N23
07 DECEMBER 1990

NTC GREAT LAKES INSTRUCTION 12792.2

From: Commander, Naval Training Center, Great Lakes

Subj: CIVILIAN EMPLOYEE ASSISTANCE PROGRAM (CEAP)

Ref: (a) CPI 792

1. Purpose. To establish policy and procedures on the conduct of the Civilian Employee Assistance Program (CEAP) at all activities serviced by the Naval Training Center Consolidated Civilian Personnel Office (NTC CCPO), in accordance with the provisions of reference (a).

2. Cancellation. NTCGLAKESINST 12000.2, Chapter VI, Subchapter 2.

3. Policy. It is the Department of the Navy (DON) policy to assist employees in overcoming performance or conduct deficiencies caused by misuse of drugs and/or alcohol or other personal problems.

a. The program will provide problem identification and preventive counseling and referral to local community agencies for treatment, rehabilitation or other assistance.

b. CEAP shall not include treatment or rehabilitation. Employees are responsible for all costs of treatment and rehabilitation.

c. Activities may contract for the provision of CEAP services. Contracts may procure counseling services, including problem identification, referral for treatment or rehabilitation, and follow-up to aid in effective readjustment to the job.

d. Alcohol and drug dependency shall be recognized and managed as treatable health problems, where job performance and/or conduct are impaired as a direct consequence.

e. Employees will refrain from the abuse of all drugs and will not report for duty under the influence of alcohol and/or drugs. Employees are responsible for seeking assistance, through CEAP, to overcome alcohol, drug or other personal problems which are adversely impacting on their performance or conduct. Employees will cooperate with supervisors and CEAP Contact and Referral (C&R) Counselors in matters relating to the program.

f. The confidential nature of client records will be safeguarded and information therein shall not be disclosed except as provided by the confidentiality provisions of 42 Code of Federal Regulations (CFR), Part 2.

g. To the extent feasible, CEAP assistance will be provided to family members of an employee with personal problems and to an employee with a family member who has a personal problem.

4. Definitions. Definitions are provided in Appendix A.

5. Responsibilities

a. Activity Heads

(1) Activity Heads with 100 or more civilian employees shall:

(a) Establish, by local instruction, a CEAP consistent with reference (a). Activities may utilize the services of contract support or cooperative/consortium participation, in-house resources or a combination thereof to ensure the provision of counseling and referral services required under reference (a).

(b) Appoint an activity CEAP Administrator and an appropriate number of CEAP C&R Counselors and make sure that all CEAP officials are given adequate training and sufficient time to perform their assigned duties. These individuals may be full-time or part-time, civilian or military, from within or outside the activity, depending on local needs and resources. The Administrator may also be a counselor if that meets the activity's needs and sufficient time is available to perform both functions.

(c) Ensure that supervisors attend required training.

(d) Provide facilities for counseling which allow privacy and confidentiality to employees seeking help from CEAP officials.

(e) Ensure that reports are properly completed and timely submitted as required by reference (a).

(2) Activity heads with fewer than 100 civilian employees shall make sure that the provisions of the CEAP are made available to employees. This may include authorizing official time for an employee to visit or be visited by a qualified counselor who works outside the activity.

b. Civilian Personnel Office (CPO). The NTC CCPO shall provide advice and assistance to the activity head(s) and activity CEAP officials in the implementation of the local CEAP, including:

(1) The establishment of contractual or cooperative agreements to provide counseling, referral, and/or educational services.

(2) The dissemination of policy and guidance issued by higher authorities.

c. Supervisors. Supervisors shall:

(1) Identify and document instances of deficient work performance and/or conduct, with special attention directed to patterns of performance deterioration.

(2) Discuss the performance and/or conduct deficiencies with the employee and refer the employee to an activity CEAP counselor if, in his/her opinion, the noted deficiencies may be caused by personal problems such as alcohol or drug abuse. Referrals shall be in writing. The supervisor must discuss the choice facing the employee to raise performance or conduct to an acceptable level or face corrective action to deal with continued performance or conduct deficiencies.

(3) Give the employee a reasonable opportunity to improve performance or conduct following the discussion in which referral to CEAP is made.

(4) Initiate corrective action based on performance or conduct problems if, after a reasonable period of time, performance or conduct has not improved to an acceptable level.

(5) Refrain from diagnosing employee problems, but should be alert to indications of personal problems, including alcohol or drug abuse.

(6) Refrain from ordering an employee to undergo a medical examination for the purpose of determining his or her fitness for duty. See CPI 339 for proper procedures.

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(7) Seek the assistance of the servicing NTC CCPO and CEAP personnel in these matters.

6. Program Administration

a. Services Provided under CEAP

(1) General. The services provided to civilian employees include:

(a) Short-term counseling related to problem identification.

(b) Referral for treatment and rehabilitation to an appropriate community agency or service. (Treatment and/or rehabilitation at government expense is prohibited: See Comptroller General Decision B-187074, 7 Nov 1977).

(c) Follow-up counseling to aid an employee in achieving an effective readjustment to his or her job during and after treatment or rehabilitation.

(2) Illegal Drug Use Problems. To complement the effort of the DON to eliminate the adverse effects of illegal drug use in the workplace and ensure compliance with Executive Order 12564, a voluntary referral procedure is established to encourage illegal drug users to seek counseling and rehabilitation without risk of disciplinary action. This is referred to as providing the employee "safe harbor". Accordingly, any employee who voluntarily identifies himself or herself as a user of illegal drugs, will be provided "safe harbor" and be exempt from disciplinary action for the admitted acts of illegal drug use, including possession incident to such use, provided the employee:

(a) Voluntarily makes such disclosure to a superior official prior to being identified through other means.

(b) Obtains counseling and rehabilitation through CEAP.

(c) Agrees to be tested by the activity during counseling and rehabilitation and during the post-treatment and evaluation phase.

(d) Consents, in writing, to the release of all records related to counseling and rehabilitation, including urinalysis test results, to appropriate management and CEAP officials.

(e) Thereafter refrains from using illegal drugs.

b. Relationship to Discipline

(1) Alcoholism and drug dependency are treatable health problems where job performance or conduct is impaired as a direct consequence. They will be treated as handicapping conditions requiring reasonable accommodation prior to the use of any discipline for performance or conduct deficiencies when the employee involved voluntarily refers himself or herself as a user of illegal drugs under paragraph 5a(2) and meets all of the conditions therein, or when the following three conditions are met:

(a) The employee involved is a qualified handicapped individual under the Rehabilitation Act of 1973.

(b) The employee can demonstrate that the handicapping condition of alcoholism or drug dependency directly contributed to the performance or conduct deficiency and the activity knew or should have known that the handicapping condition existed.

(c) Reasonable accommodation would not impose an undue hardship on the activity such as continuing an unreliable employee in a critical function or in duties which could affect the health and welfare of others.

(2) The CEAP supplements, but does not replace, existing procedures for dealing with employees who have drug or alcohol abuse problems. Performance and/or conduct problems relating to alcohol or illegal drug use conflict with the DON mission accomplishment. Further, as provided in 29 CFR 1613.704, reasonable accommodation is not required when it would impose an undue hardship on the activity. An employee who is referred to CEAP, but who declines to seek assistance or refuses to cooperate with a counselor or a facility designated to provide treatment and/or rehabilitation, has prevented the activity from continuing to provide reasonable accommodation. In these cases the employee is subject to disciplinary action if deficient performance and/or conduct continues. Where an employee cannot or will not be rehabilitated, or is not entitled to reasonable accommodation for a handicapping condition, corrective action is proper under CPI 752 or CPI 432.

(3) A firm choice between seeking assistance through CEAP or being subject to corrective action must be given to any employee who demonstrates continued performance or conduct problems. Subsequent performance or conduct problems shall be dealt with through corrective measures under CPIs 752 or 432..

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(4) Trafficking in drugs is misconduct which does not entitle an employee to reasonable accommodation. Accordingly, an employee who traffics in drugs will be subject to penalties recommended in CPI 752, and may also be subject to criminal prosecution.

c. Voluntary Employee Referral. An important aspect of CEAP is its availability to employees on a voluntary basis. Activity CEAP publicity should emphasize this aspect and encourage employees to seek assistance for alcohol, drug or other problems, before these problems result in a negative impact on job performance or conduct.

d. Activity CEAP Administration and Functions

(1) Activity CEAP Administrator. The Activity CEAP Administrator has responsibility for implementing and operating the CEAP within the activity. The Activity CEAP Administrator will not be designated to serve as a Drug Program Coordinator or in any capacity related to the collection or transportation of samples collected under the drug testing program for civilian employees. Where CEAP services are contracted out, the activity administrator has responsibility for monitoring contract performance and verifying services rendered to the activity. In addition, the activity administrator shall:

(a) Provide counseling services to all employees referred to CEAP by supervisors or through self-referral and otherwise offer employees the opportunity for counseling and rehabilitation.

(b) Ensure the provision of appropriate supervisory training and other activities needed to educate and inform activity personnel about CEAP and the prohibitions against use of illegal drugs in the workplace.

(c) Monitor the progress of referred employees during and after the rehabilitation period.

(d) Develop and maintain an adequate counseling capability through personnel, medical, or other counseling sources, including accessible Counseling and Assistance Centers and contracting out.

(e) Maintain a list of rehabilitation or treatment organizations which provide counseling and rehabilitation programs, and include the following information on each organization:

- 1 Name, address, and telephone number.
- 2 Types of service available.
- 3 Hours of operation.
- 4 Contact's name and telephone number.
- 5 Fee structure and insurance coverage.
- 6 Client specialization.
- 7 Other pertinent information.

(f) Periodically visit rehabilitation or treatment organizations to meet administrative and staff members; tour the sites; ascertain the experience, certifications, and education level of the staff; and determine policies concerning progress reports of clients and post treatment follow-up.

(g) Evaluate the CEAP and report to the activity head on findings and effectiveness, at least annually, and recommend local CEAP changes.

(h) Effectively publicize the CEAP.

(2) Activity CEAP Counselor. The CEAP Counselor serves as the initial point-of-contact for employees who ask or are referred for counseling. An activity CEAP Counselor will not be designated to serve as a Drug Program Coordinator or in any capacity related to the collection or transportation of samples collected under the drug testing program for civilian employees. At a minimum, a person designated as a CEAP Counselor should, or arrangements should be made for him or her to become:

(a) Familiar with 5 CFR 792, Subchapters 5 and 6 of FPM 792, FPM Supplement 792-1, CPI 432, and CPI 752.

(b) Knowledgeable of CEAP policies and procedures.

(c) Able to counsel employees in an occupational setting and identify drug and alcohol abuse and personal problems impacting on job performance or conduct.

(d) Able to communicate effectively with employees, supervisors, and managers about alcohol abuse, personal problems and illegal drug use.

(e) Knowledgeable about community resources for treatment and rehabilitation and, when making referrals, activity CEAP counselors shall consider the:

- 1 Nature and severity of the problem.
- 2 Location of the treatment.
- 3 Costs of the treatment.
- 4 Intensity of the treatment environment.
- 5 Inpatient or outpatient care availability.
- 6 Other special needs, such as transportation and child care.
- 7 The preferences of the employees.

(f) Able to discuss treatment for alcohol, drug, and other personal problems, as well as rehabilitation insurance coverage available to employees under the Federal Employee Health Benefits Program.

(g) Able to distinguish the occasional alcohol or drug user from the addicted user and to suggest appropriate treatment based on that distinction.

(h) Able to provide training and education relating to alcohol and illegal drug use and other personal problems to employees, supervisors, union representatives, and other interested groups.

e. Training and Education

(1) Supervisory Training. The Activity CEAP Administrator will ensure that training sessions are conducted for supervisors on methods for dealing with personal problems including drug and alcohol abuse. Appropriate topics include:

(a) Explanation of the CEAP and its relationship to the DON civilian employee drug testing program.

(b) Drug and alcohol awareness and symptoms of drug and alcohol abuse.

(c) Recommended methods for dealing with suspected or identified drug and alcohol abusers.

(d) Confrontation and referral techniques.

(e) General principles of rehabilitation including techniques for supervisors to assist employees in returning to the worksite.

(f) Personnel management issues (e.g., relationship of this program to performance appraisal and disciplinary programs, leave usage, and the use of supervisory notes and other documentation).

(2) Education and Publicity. The Activity CEAP Administrator will ensure that employees are informed on topics dealing with drug and alcohol abuse through such means as memoranda, seminars and articles in activity publications. This policy and program will be made known to all activity employees. All new employees will be informed of the services available under this program as they enter on duty. The names and locations of CEAP counselors will be listed in telephone directories and displayed on bulletin boards.

f. Relationship with Labor Organizations. The support and active participation of labor organizations is a key element in the success of the CEAP. Where there are units of exclusive recognition, activities should:

(1) Communicate to labor organizations DON's strong commitment to providing assistance to employees.

(2) Consult or negotiate, as appropriate, concerning the implementation of the CEAP.

(3) Include union representatives in training and orientation programs to ensure mutual understanding of CEAP policy, referral procedures, and other program elements.

g. Program Records. CEAP administrators will maintain records necessary to carry out their duties. All medical and/or rehabilitation records concerning the employee's problem, including CEAP records of the identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only as authorized by 42 CFR Part 2, including the provision of written consent by the employee. With written consent, the patient may authorize the disclosure of those records to the patient's

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supervisor or other designated management official for treatment progress. Where CEAP services are provided by a contractor, records developed by the contractor are subject to these same provisions and will be made available to the CEAP Administrator.

h. Reports and Forms

(1) Navy and Marine Corps activities will prepare the Semi-annual Reports for submission to OCPM and CMC following the guidelines in Appendix B. (Symbol DD-HA-(SA) - 1626 applies.)

(2) The DON CEAP Administrator will submit to the Office of Personnel Management (OPM) the annual report on employee counseling activity required by FPM 792. That report will be compiled from data derived from the Semi-annual reports. A copy will be submitted to the Deputy Assistant Secretary of the Navy (Civilian Personnel Policy/Equal Employment Opportunity). (Symbol 0058-OPM-AN applies.)


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Distribution:
NTCGLAKESINST 5216.5H
List V
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APPENDIX A

DEFINITIONS

These definitions are for the administration of the Civilian Employee Assistance Program (CEAP). They do not modify or influence definitions applicable to laws and regulations related to disability benefits or to criminal or civil responsibility for an individual's acts or omissions.

1. Activity. A field installation, a headquarters command, or an office employing civilian personnel.

2. Alcohol Abuse. Use of alcohol to an extent that it has an adverse effect on performance, conduct, discipline, or mission effectiveness, and/or the user's health, behavior, family, or community.

3. Alcohol and Drug Dependence. The reliance on alcohol (alcoholism) or drugs following use on a periodic or continuing basis. Dependence may be psychological or physical or both. Dependency must be determined by a licensed physician, medical officer, or clinical psychologist.

4. Civilian Employee Assistance Program (CEAP). A program offering assistance to employees who have problems involving alcoholism, drug abuse, or other personal problems which result in or may contribute to deficiencies in job performance or conduct.

5. CEAP Counselor. An individual designated to conduct the initial interview with the employee, explain the provisions of the CEAP; determine the nature of the personal problems; and refer the employee to a source of assistance located within the local community.

6. Drug Abuse. Use of a drug to an extent that it has an adverse effect on performance, conduct, discipline, or mission effectiveness, and/or the user's health, behavior, family or community. The wrongful or illegal possession or use of drugs in any amount also constitutes drug abuse.

7. Handicapped Person. One who has a physical or mental impairment which substantially limits one or more of the person's major life activities (including working), has a record of such impairment, or is regarded as having such an impairment.

8. Qualified Handicapped Person. With respect to employment, a handicapped person who, with or without reasonable accommodation, can perform the essential functions of the position in question without endangering the health and safety of the individual or others and who, depending upon the type of

appointing authority being used, meets the experience and/or education requirements (which may include a written test) of the position in question or meets the criteria for appointment under one of the special appointing authorities for handicapped employees.

9. Reasonable Accommodation. With respect to any employee who establishes that his or her deficient performance or conduct is caused by a physical or mental impairment, reasonable accommodation is the referral to CEAP for diagnostic counseling and referral for treatment or rehabilitation or other assistance, the granting of leave for treatment, rehabilitation or assistance and a reasonable opportunity to demonstrate minimally acceptable performance or conduct.

10. Rehabilitation. The process of restoring to effective functioning individuals who have been impaired by alcoholism, drug addiction, or other dependencies. Rehabilitation occurs after treatment has been completed and may be in a clinical or non-clinical setting. Ordinarily, rehabilitation involves individual or group counseling or participation in self-help organizations such as Alcoholics Anonymous.

11. Trafficking. The wrongful distribution (including sale or transfer) of a controlled substance, and/or the wrongful possession or introduction into a military unit, base, station, ship, or aircraft of a controlled substance with intent to distribute. Trafficking in drugs is misconduct which does not confer an entitlement to reasonable accommodation under CEAP.

12. Treatment. The process of alleviating the physical and psychological effects of substance abuse, including withdrawal symptoms and medical conditions resulting from substance abuse. Treatment is always under medical supervision. It is a prelude to, and should not be confused with rehabilitation.

APPENDIX B

REPORTS ON EMPLOYEE COUNSELING ACTIVITY

1. DON is required to submit semi-annual reports on Navy and Marine Corps employee counseling activity by DOD Directive 1010.3, Drug and Alcohol Abuse Reports of 23 September 1985 (NOTAL). (symbol DD-HA-(SA)-1627 applies.) DON is also required to report CEAP information annually to the Office of Personnel Management (OPM). (Symbol 0058-OPM-AN applies.)

2. Activities required to report:

a. All Navy and Marine Corps activities and work locations employing 100 or more civilian employees.

b. Any Civilian Personnel Office (CPO) which is an independent activity, regardless of the number of civilian employees. Reports from these activities shall include counseling data from all serviced activities with less than 100 civilian employees.

3. OPM Form 1210, will be used to submit information for both the DOD and OPM reports. For the semi-annual report covering the period October to March, only sections A and D need be completed. For the report covering the period April to September, all sections should be completed. For April to September reports, information provided in Sections B, C, E, and F should cover the entire fiscal year.

4. OPM Form 1210 shall be submitted as follows:

a. Navy activities submit an original and one copy of the report not later than ten (10) calendar days following the close of the period on which the report is based to their servicing OCPM regional office, with a copy to their Command CEAP Administrator. (Symbol OCPM 12792 applies.)

b. Marine Corps Activities submit an original and one copy no later than ten (10) calendar days following the close of the period on which the report is based to:

Commandant of the Marine Corps
Code MPC-30, Headquarters, U. S. Marine Corps
Washington, D. C. 20380

c. OCPM Regional Offices will consolidate activity reports and submit an original and one copy of the consolidated report, no later than 25 days following the close of the period on which the report is based, to the:

DON CEAP Administrator
Office of Civilian Personnel Management
Code OCPM - 312, 800 N. Quincy Street
Arlington, VA 22203-1998

d. CMC (MPC-30) will consolidate data from all Marine Corps activity reports and submit a consolidated report directly to DOD per DOD Directive 1010.3 of 23 September 1985. A copy will be submitted to the DON CEAP Administrator for use in reporting to OPM. (Symbol DD-HA-(SA)-1627 applies.)

e. DON CEAP Administrator will:

(1) Consolidate OCPM regional reports and submit a timely report to the Director, Human Resources Management Division (OP-15) for inclusion in the Navy Department report to DOD under DOD Directive 1010.3 of 23 September 1985 (NOTAL). (Symbol DD-HA-(SA)-1627 applies.)

(2) Submit the FY Annual Report on DON Counseling programs to the Office of Personnel Management. (Symbol 0058-OPM-AN applies.)